

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GENESIS SYSTEMS LLC,)	
)	
Plaintiff,)	
v.)	No. 19-00568-CV-W-BP
)	
XYTEL, INC.,)	
formerly known as XYTEL CORPORATION,)	
)	
Defendant.)	

**ORDER DIRECTING PLAINTIFF TO FILE RESPONSE TO DEFENDANT’S MOTION
FOR LEAVE TO FILE UNDER SEAL**

On July 18, 2019, Defendant removed this case from the Circuit Court of Jackson County, Missouri. Also on July 18, Defendant filed a Motion for Leave to File Under Seal the Documents Accompanying its Notice of Removal. (Doc. 2.) The motion states that this case was filed entirely under seal in state court, and thus seeks leave to seal those documents in this Court. The motion further states that while Defendant “is unclear as to why Plaintiff filed the state court action under seal, [Defendant] brings this motion (out of an abundance of caution and in full fairness to Plaintiff) to avoid inadvertently making public whatever documents or information that Plaintiff apparently wishes to keep private.” (*Id.*, p. 2.) Defendant also filed its Notice of Removal under seal. Plaintiff has not responded to the motion and the time for doing so has passed. *See* Local Rule 7.0(c).

This Court does not lightly grant leave to seal documents. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978) (recognizing a general common law “right to inspect and copy public records and documents, including judicial records and documents”). Leave may be granted in limited circumstances, such as when a document contains confidential medical information, information about the victim of criminal activity, or sensitive proprietary or trade secret information. *See* Privacy Policy, U.S. District Court for the Western District of Missouri.

To date, neither party has provided an adequate basis for sealing any document and the Court does not know why the state court approved sealing this case. Moreover, the Court's initial review of the record shows that at least some of the documents at issue in the motion—including an Affidavit of Service—obviously should not be sealed. Under these circumstances, additional information is needed from the parties.

Accordingly, it is hereby ORDERED that within fourteen days from the date of this Order, Plaintiff shall file a response to Defendant's Motion for Leave to File Under Seal. Defendant shall have fourteen days thereafter to file a reply brief. In briefing the motion, the parties shall specifically identify the document(s) they seek leave to seal in this case, and specifically explain why the Court should seal the document(s). Absent an adequate showing, leave to seal will be denied and any documents currently sealed will be unsealed.

IT IS SO ORDERED.

DATE: August 7, 2019

/s/ Beth Phillips

BETH PHILLIPS, CHIEF JUDGE
UNITED STATES DISTRICT COURT